App F IX 4

Previous References 1946 47 (nil)

File No 41-46
Serial Nos 132, 133

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for Judge

SUBJECT

Holding by-election in Sundarpet Town municipality in view of the impending General municipal election at the place.

No action

From the D C Mysore District
No Dis PR 356/46 47 dt 9.6.47
Requests that a vacancy arisen in the Gundlupet Town mil c may be allowed to remain unfilled

1) 91 is repealed by the President of the Gundlupet Town municipal Council that one of the elected members of the mil cl by name Thr Bangara Setty died on 21-5-1947

2) Since the mil council is to be reconstituted with effect from 1-7-1947, and the mil elections have been notified to be held on 11-6 47, there is no sufficient time to hold the bye elections to the fill up the vacancy

3) Therefore he requests that the vacancy may be allowed to remain unfilled in the circumstances

4) The D C Mysore District states that he agrees with the President and requests approval of the action suggested by the President

5) Since the period between the death of / death of the councillor and that of the reconstitution of the municipal council is only 40 days and the vacancy does not affect the proceedings of the mil Council as per Sect 36 (3) of the town mlb Act, 1933, the suggestion of the President may be approved

6) Subd for orders

18/6

In a similar case relating to the Nanjan Town mlp, the Law opinion was sought for. Please put up that file

Le
18/6/47

The opinion furnished by the Law Secy in a similar case, relating to the Nanjan Town mlp, is reproduced hereunder,—

"Under Sec 16 of the Town Municipalities Act, when a casual vacancy occurs by a person elected or appointed to be a councillor by resignation, "the vacancy shall be filled

filled up as soon as conveniently may be" by the election or appointment, as the case may be, of a person thereto who shall hold office so long only as the councillor in whose place he is elected or appointed would have held it if the vacancy had not occurred

Vacancies are of two kinds ordinary or casual Ordinary vacancies occur when the councillors go out of office in due course at the expiry of the term, and casual vacancies occur by death, non-acceptance of office, resignation, bankruptcy etc On the occurrence of vacancies, they must be filled up at once as prescribed by statue In the present case, the words "as soon as conveniently may be" indicate that the election may on considerations of administrative convenience and expediency, be postponed to the date of annual election "

In that case the minister for Rev & commns approved the proposal of the President of the Harnai Town municipal committee also supported by the D C that the casual vacancy need not be filled up pending reconstitution of the council

Similarly the vacancy that has arisen in the municipal council Sundukpet, is a casual one, the reconstitution of the council has come off on 1-7-1947 Hence as proposed by the President of the mt council and supported by the D C, the vacancy which is caused by the ~~death~~ death of Mr Bangara Setty, one of the councillors, need not be filled up until the mt council is reconstituted

Subd for orders

1/7 BRO Since orders approving the reconstitution of the Sundukpet Town Mcl from 1-7-47 have issue no action is called for in this respect We may inform the Chairman accordingly

3/7 BRO Submitted with a draft accordingly Signed No C 452/1-7-47 Issued

TYPING
5 JUL
ON BACK

WD 01570—GPD—500 pads of 100 sheets each—12 2 46

ML 41-46-132

OFFICE OF THE DEPUTY COMMISSIONER
MYSORE DISTRICT,
Mysore, dated the 9th June 1947.

No. Do.P R 306/46-47.

FROM

G.N NAGARAJA RAO, Esq , M.Sc ,
Deputy Commissioner,
Mysore District

TO

H N.PALLEGAR, Esq , M.A, LL.B.,
Secretary to Government,
Revenue Department, Bangalore

Sir,

Sub Holding bye-Election in Gurdlupet Town Municipality in view of the impending General Municipal Elections at the place

In forwarding herewith a report No C 68/46-47 dated 24-5-47 received from the President, Town Municipal, Gundlupet on the above subject, I have the honour to state that the reconstitution of the Municipal Council is due to be effected from 1-7-47 and with this end in view, general Municipal elections have been notified to be held on 21-6-47 It is stated that one of the elected councillors named Mr Bangara Setti died on 21-5-47 and that there is no sufficient time to hold the bye-Elections to fill up this casual vacancy before the General Elections are held I request therefore that this vacancy may be allowed to remain unfilled in the circumstances represented I agree with the President I request that the action suggested by the President may be kindly approved

I have the honour to be,
Sir,
Your most obedient servant
Sd Suryanarayana Rao
For Deputy Commissioner,
Mysore District

BNS

రాజకీయ మీటింగులు డిస్ట్రిక్ట్ మేజిస్ట్రేట్ లేదా
కమిషనరీ కాకపోతే ఎగ్జిక్యూటివ్ ఆఫీసర్ ఇవ్వాలి
గవర్నమెంట్ లేటి టవర్ మునసిపలిటీ కొడగినల్
శ్రీనివాస అయ్యంగార్ నుండి ఇవ్వాలి

ఈ టవర్ మునసిపలిటీ కొడగినల్లో నీ ఇంటిపాంటి
రేకానిలండిదా పాదస్ట్ కొరకు మార్చి చుంగార కోట్టై
రించుచరు 21-5-1947 రోజు వ్యాకరణబద్ధులు కొడగినల్.

ఈ టవర్ మునసిపల్ కౌన్సిల్ 1-7-1947 రా
నాంతిమ్ పై నర్స్ ఆఫీసరు ప్రదరించ ఇదరార్జీ
శ్రీ లు చన్నకేసిదు మొండు 11-6 1947 నోటిపత్ర
మొండావర్ ఇరు క్కో మిల్లు ఎండదదశ్చరు వ్యాకరణ
మొలంతుగరు పన్నాగ నళ్ళే కార్యక్రమ కేసిదుకొళ్ళ
లు కాలధికారేతిల్లదిరు ప్రదరించలూ, సాపత్రం
ఇల్లు కాపర్ణంతు 11-6-1947 నోటిపత్ర సే ఇరుప్ర దరించ
లెల్లా నదరి పోగిసిపత్ర చన్న మొలంతుగటువరు ప్రదన్న
దన్న స్థానదల్లి ఎంది కొడికొండి దేనేంతుగి జాడిల్

THE DEPUTY C
Name
1947
23
DEC

Submitted with draft
for approval
and issue orders
24/5/1947 U/P శ్రీనివాసయ్యంగార్
24/5/47

Rc Channa 26/5

8pm
6/6

Mul 41-46-133 $\frac{20 \text{ L } 452}{20/7/47}$

To

The D C Mymensingh

Sir,

Subject:— Holding by elections in Gouripur Town Mul[tiple] in view of the impending General Mul elections at the Place

With reference to your letter no D_3-R R 356/46 7 dated 9-6-47 on the above subject, I am directed to state that Government orders approving the reconstitution of the Gouripur Town Mul Committee from 1-7-47 have issued (vide Notification no L 96/Mul/41-46-121 of 2 7 47) no action is called for ~~from~~ ~~Mymensingh~~ ~~Office~~

to fill up any casual vacancy

I have etc,

Chairman Gouripur Town